



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/074
Order No.: 011 (NBI/2019)
Date: 13 February 2019
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Michael Brazao, OSLA

Counsel for the Respondent:

Nicole Wynn, ALS/OHRM

Nusrat Chagtai, ALS/OHRM

Introduction

1. At the time of the application, the Applicant was employed at the United Nations Mechanism for International Criminal Tribunals (MICT) on a fixed-term appointment and was based in Arusha.

Procedural History

2. On 19 July 2017, the Applicant filed an application challenging the decision(s) made in respect of the complaint she filed pursuant to ST/SGB/2008/5 on the Prohibition of Discrimination, Harassment including Sexual Harassment and Abuse of Authority. She complains that the process was irregular and also requests disclosure of a copy of the panel's report.

3. The Respondent filed his reply to the application on 17 August 2017.

4. On 12 October 2017, the Applicant filed a motion to amend her pleadings including her additional and amended pleadings with the motion. This was granted without opposition.

5. The Respondent filed additional documents on 26 October 2017.

6. On 12 April 2018, the Applicant filed a motion for an expedited hearing of this matter.

7. On 4 September 2018, the Tribunal issued Order No. 131 (NBI/2018) setting this matter down for a case management discussion (CMD).

8. The CMD took place on 20 September 2018.

9. Among the matters discussed at the CMD was the Applicant's motion for anonymity in these proceedings. The Respondent, reciprocally, requested anonymity for another staff member implicated in this case. Anonymity, as requested by both parties, was granted in Order No. 142 (NBI/2018) on 21 September 2018.

10. The Applicant filed a motion for disclosure of the Special Investigations Unit (SIU) report on 12 October 2018. The Respondent filed his response to the motion on 22 October 2018.

11. On 31 October 2018, this Tribunal issued Order No. 171 (NBI/2018) granting the Applicant's motion for disclosure of the SIU Report.

12. On 5 November 2018, the Respondent disclosed SIU's First and Supplementary Reports.

13. On 30 November 2018, the Applicant filed a motion seeking clarification of the scope of Order No. 171 (NBI/2018).

14. On 11 December 201, the Tribunal issued Order No. 188 (NBI/2018) clarifying the scope of Order No. 171 (NBI/2018) as being limited to the disclosure of the SIU Report.

Order

15. For the purposes of fair and expeditious management of this case, the Parties are required to **JOINTLY**:

- a) file a concise statement of facts, **agreed and disputed**, listed in chronological order;
- b) identify the legal issues, arising from those facts, for determination by the Tribunal;
- c) notify the Tribunal if they intend to submit additional documents, further to that already filed, indicating the relevance of the same as evidence;
- d) advise the Tribunal if they wish to have this matter set down for an oral hearing on the merits or if they are amenable to the matter being decided on the papers; and

e) should the Parties require an oral hearing, advise of their respective list of witnesses, location of each witness and a summary of their anticipated testimony

16. The Parties are required to file their submissions by **1 March 2019**.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 13th day of February 2019

Entered in the Register on this 13th day of February 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi